

COUNCIL CHAMBERS--CITY COUNCIL
CITY HALL--CITY OF LODI
Monday, August 19, 1935

The City Council of the City of Lodi met at 8:00 o'clock P.M. at the place and on the date first above written, Councilmen Clark, Spooner, Weihe and Steele (Mayor) present.

The minutes of the regular meeting of August 5th., 1935 and of the meeting adjourned therefrom held August 9, 1935 were read, approved as read and so endorsed by the Mayor.

Mr. Robert H. Finn and Dr. W. J. Coffield, Trustees of Lodi Public Library with Amy L. Boynton, Librarian appeared before the Council and presented the annual proposed budget of the Library.

George D. Polenske, Fire Chief and Earl May, Secretary of the Lodi Fire Department appeared and asked for an appropriation of \$200.00 to defray the expenses of delegates to the State Firemen's Convention at Riverside to be held during the first week of September, stating that the local department was making a determined effort to bring the next annual convention to Lodi. On motion of Councilman Spooner, Clark second, it was moved and carried that the Department be allowed the amount requested.

In the matter of the proposed annexation of a portion of Hutchin's Homestead Addition to Lodi, City Attorney Glenn West presented a resolution of the Board of Supervisors of San Joaquin County finding due publication of notice and that no protests had been presented and consenting to the annexation. The resolution was ordered filed and, on motion of Councilman Weihe, Councilman Clark second, Resolution No. 794 was introduced for adoption and read at length by the Clerk.

RESOLUTION NO. 794

A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF LODI THE QUESTION OF WHETHER OR NOT NEW UNINHABITED TERRITORY SHALL BE ANNEXED TO AND INCORPORATED IN AND MADE A PART OF THE CITY OF LODI.

WHEREAS, the City Council of the City of Lodi did on the 9th day of August, 1935, receive a written petition asking that certain new uninhabited territory, hereinafter described, be included in said City of Lodi, a municipal Corporation, and containing a description of such new uninhabited territory, and signed by more than one-tenth in number of the qualified electors of such municipality computed upon the number of votes cast at the last general municipal election held in said city; and

WHEREAS after so receiving said petition and without delay, and on August 12th, 1935, said City Council duly and regularly notified the Board of Supervisors of the County of San Joaquin, State of California, in which county said city is located, of the fact of filing such petition; and

WHEREAS, after receiving such notification and on August 12th, 1935, said Board of Supervisors caused notice to be published for a period of five days, to-wit, on August 12th, 13th, 14th, 15th, 16th and 17th, 1935, in the Stockton Record, a newspaper of general circulation printed and published in said County of San Joaquin, setting forth by general description the land so sought to be annexed to said municipality, and announcing the time and place when and where objections to said annexation would be heard, which last-mentioned time and place, as stated in said notice were and are Monday August 19th, 1935, at two o'clock in the afternoon of said day, at the regular meeting place, to-wit, the office and room of said Board of Supervisors in the Court House of said County of San Joaquin, at Stockton, San Joaquin County, California; and

WHEREAS, proof of such publication of said notice was duly and regularly made to said Board of Supervisors at two o'clock in the afternoon on August 19th, 1935; and

WHEREAS, pursuant to said notice so caused to be published by said Board of Supervisors as aforesaid and at the time and place specified in said notice, to-wit, at two o'clock in the afternoon on August 19th, 1935, at the said regular meeting place, office and room of said Board of Supervisors, the matter of hearing any and all remonstrances, protestations and objections against said annexation came duly and regularly on for hearing and was heard before said Board of Supervisors,

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and it duly and regularly appearing that such notice had been duly and regularly given as aforesaid, and no objection, remonstrance or protestation to or against the said annexation had been filed or made to said Board of Supervisors; and whereas the said Board of Supervisors at two o'clock in the afternoon of August 19th, 1935, at its regular meeting place as aforesaid, having duly and regularly heard and considered the matter of said annexation, duly and regularly passed its resolution consenting to the annexation of said uninhabited territory by said City of Lodi, a municipal corporation, and consenting that said new uninhabited territory be included in and made a part of said city and that the boundaries of said city be changed accordingly, a certified copy of said last-mentioned resolution having been this day filed with and received by the said City Council; and

WHEREAS, said petition and all the proceedings heretofore mentioned duly, regularly and fully comply with all the terms and provisions of Act 5163, General Laws of the State of California, and acts amendatory thereto;

NOW, THEREFORE, BE IT RESOLVED By said City Council, in consideration of the premises and the facts so found, and pursuant to the provisions of said act and acts amendatory thereto and pursuant to the statute in such cases made and provided, as follows:

(1) That a special election is hereby called and ordered to be held in the said City of Lodi, on Thursday September 12th, 1935, for the purpose of submitting to the qualified electors of said city a proposition as hereinafter stated to annex to and make a part of said city the uninhabited territory hereinafter described and to change the boundaries of said City of Lodi accordingly.

(2) That the objects and purposes for which said election is called and shall be held, is to submit to the qualified electors of said city and there shall be submitted to said qualified electors at said election, a proposition as follows:

PROPOSITION

Shall the uninhabited territory hereinafter described, be annexed to, incorporated in and made a part of the City of Lodi, a Municipal Corporation, and shall the boundaries of said City of Lodi be changed and altered accordingly and so as to include said uninhabited territory, which uninhabited territory is situated in the County of San Joaquin, State of California, and bounded and described as follows, to-wit:

A part of "HUTCHINS HOMESTEAD ADDITION", as per map thereof filed September 13, 1922, and recorded in Vol. 10 of Maps and plats at page 60 in the office of the County Recorder of the County of San Joaquin, State of California, which part of said addition is bounded on the South by the North line of "Sargent Road", on the West by the West line of Orange Avenue as said Avenue is delineated on Map recorded in Volume 11 of Maps and Plats at page 13 in the office of the County Recorder of San Joaquin County, California, on the North by the South line of Oak Street, and on the East by the Westerly boundary of said City.

(3) That the City Clerk of said City is hereby ordered, for and on behalf of said city and for and on behalf of said City Council, to give, and to cause to be given, notice of said election by the publication of such notice in "The Lodi News-Sentinel", a newspaper of general circulation printed and published in said City of Lodi, at least once a week for a period of two weeks next preceding such election, which notice shall state that it is proposed to incorporate the territory so sought to be annexed as a part of said city, and which notice shall invite the electors of said city to vote upon such proposition, by marking their ballots, "For annexation" or "Against Annexation", and that in said notice the said territory so sought to be annexed to said city shall be generally described in such manner as to apprise the voters of the particular land so sought to be annexed.

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(4) That if the proposition so submitted receives the requisite number of votes, to-wit, a majority of all the votes cast at such election in favor of said annexation, the said new uninhabited territory shall be annexed to and made a part of said City.

(5) That the polls for said election shall be opened at six o'clock a.m. of the day of said election and shall remain open continuously from said time until seven o'clock p.m. of the same day when said polls shall be closed, except, however, that if at the said hour of closing there are any voters in any polling place, or in line at the door thereof who are qualified to vote, and have not been able to do so since appearing, the polls thereat shall be kept open a sufficient time to enable them to vote, but no one who shall arrive at any polling place after seven o'clock p.m. of said day shall be entitled to vote, although the polls may be open when he arrives.

That on the ballots to be used at said special election, in addition to the other matters required by law, there shall be printed substantially the following:

INSTRUCTION TO VOTERS

Mark crosses (X) on ballot ONLY WITH RUBBER STAMP; never with pen or pencil.

To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the words "For annexation" or after the words "Against annexation". All marks except the cross (x) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void.

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

PROPOSITION: Shall the uninhabited territory hereinafter described, be annexed to, incorporated in and made a part of the City of Lodi, a Municipal Corporation, and shall the boundaries of said City of Lodi be changed and altered accordingly and so as to include said uninhabited territory, which uninhabited territory is situated in the County of San Joaquin, State of California, and bounded and described as follows, to-wit:

For
annexation

A part of "HUTCHINS HOMESTEAD ADDITION", as per map thereof filed September 13, 1922, and recorded in Vol. 10 of Maps and Plats at page 60 in the office of the County Recorder of the County of San Joaquin State of California, which part of said addition is bounded on the South by the North line of "Sargent Road", on the West by the West line of Orange Avenue as said Avenue is delineated on Map recorded in Volume 11 of Maps and Plats at page 13 in the office of the County Recorder of San Joaquin County, California, on the North by the South line of Oak Street, and on the East by the Westerly boundary of said city.

Against
annexation

A cross (X) stamped in the voting square after the words "For annexation" shall be counted in favor of the adoption of the question or proposition and for the said annexation. A cross (X) stamped in the voting square after the words "Against annexation" shall be counted against the adoption of the question or proposition and against the said annexation.

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(6) That for the purpose of holding said election there shall be four consolidated voting precincts in said city, which precincts shall consist of consolidations of the regular election precincts now established in said city for the holding of state and county elections therein: that said consolidated precincts shall be designated as hereinafter stated: that the polling places for the respective precincts shall be the places hereinafter designated and that the persons hereinafter named, being competent and qualified electors and residents of said city and of their respective election precincts, are hereby appointed officers of election and to make return thereof in the manner provided by law.

Consolidated Voting Precinct A shall consist of regular election precincts numbered 1, 2, 3, 4, & 7, as now established in said city for holding state and county elections:

Polling Place: City Hall, Pine street at Pleasant Avenue.
Inspector: Augustus G. Corson,
Judges: Mrs. Amelia L. Barzelotti and Mrs. Ora E. Villinger.

Consolidated Voting Precinct B shall consist of regular election precincts numbered 5, 6, 8, & 9, as now established in said city for holding state and county elections:

Polling Place: Shattuck's Garage, Rear of 300 West Oak Street
Inspector: Samuel T. Henderson.
Judges: Ernest A. Jacobsen and Mrs. Edith K. Henning.

Consolidated Voting Precinct C shall consist of regular election precincts numbered 10, 11, 12 & 13, as now established in said city for holding state and county elections:

Polling Place: Salem School Building.
Inspector: Mrs. Elra T. Weaver
Judges: Mrs. Florence McLachlan and Mrs. Clara L. Watson.

Consolidated Voting Precinct D shall consist of regular election precincts numbered 14, 15, 16, & 17, as now established in said city for holding state and county elections:

Polling Place: 608 South Central Avenue.
Inspector: Mrs. Olive C. Welch.
Judges: William J. Barnes and Mrs. Sara W. Wright.

(7) That said special election shall be held and conducted, and the votes thereat canvassed, and the returns thereof made, and the result thereof ascertained and determined as herein provided; and in all particulars not prescribed by this Resolution said election shall be held and conducted as provided by law for the holding of municipal elections in said City. The returns of said election shall be made out and signed by the election officers and shall be by them deposited with the Clerk of said City, together with the ballots cast at said election; and this City Council shall meet and canvass said returns on Monday, the 16th day of September, 1935 (being the first Monday after said election), at the hour of eight o'clock p.m.; and if upon such canvass it shall appear that a majority of all the votes cast at said election is in favor of said annexation, the Clerk of said city and of said City Council shall make and certify, under the seal of said municipal corporation and transmit to the Secretary of State, and to the Board of Supervisors of said County of San Joaquin in which said city is located, a copy of its report of said election and of the canvass thereof, as entered upon the minutes of said City Council together with a statement showing the date of said election, and the time and result of said canvass, which document shall be filed with the Secretary of State and the Clerk of said Board of Supervisors.

(8) From and after the date of the filing of said document in the office of said Secretary of State, the annexation of such territory so proposed to be annexed shall be deemed and shall be complete, and thenceforth such annexed territory shall be a part of said municipal corporation for all intents and purposes, except only that no part of such annexed territory shall ever be taxes to pay any portion of any indebtedness or any liability of such municipal corporation contracted prior to or existing at the time of such annexation.

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(9) Said City Clerk is hereby directed to procure all supplies that may be necessary to properly and lawfully conduct the said special election and to make and canvass the returns thereof and to make said report.

The foregoing Resolution No. 794 was then passed and adopted by the following vote:

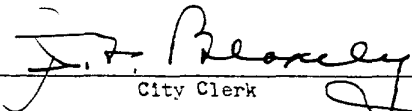
AYES: Councilmen, Weihe, Clark, Spooner and Steele.
NOES: Councilmen, None

Bills in the amount of \$4,575.13 as approved by the Finance Committee were allowed and ordered paid on motion of Councilman Spooner, Weihe second.

Chief of Police Jackson appeared at this time and requested that the Council approve the appointment of a police officer to fill the vacancy caused by the death of D. H. Acker. He presented the name of Theodore Bender residing at 20 South Church Street as his appointee and on motion of Councilman Spooner, Weihe second, the City Council approved Mr. Bender's appointment to become effective September 1, 1935.

At the conclusion of the meeting, Mayor Steele announced the death of Councilman George A. Keagle, which occurred at 1:00 o'clock a.m. of Sunday August 18th, 1935 after an illness of seven months.

On motion of Councilman Weihe, Clark second, the City Council then adjourned in appreciation of Mr. Keagle's work for the City and in respect to his memory, such adjournment to be until 8:00 o'clock p.m. of Monday, August 26, 1935. Motion carried unanimously and so ordered.



City Clerk

The foregoing minutes read and approved without correction at a regular meeting of the City Council held Sept 5 / 1935
1935.



Mayor of the City of Lodi
for same